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LAW OFFICES OF
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July 24, 1998

Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: WT Docket No. 96-86; Written *Ex Parte* Presentation by The Dataradio Group of Companies

Dear Ms. Salas:

In accordance with Section 1.1206 of the Commission's rules, I am providing you with two copies of written *ex parte* presentations sent to Offices of the FCC Commissioners on behalf of The Dataradio Group of Companies ("DATARADIO").

The purpose of the written presentation was to reiterate points raised in DATARADIO's *ex parte* statement filed with the Commission on June 22, 1998.

Very truly yours,

Frederick J. Day

Frederick J. Day

Enclosures

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July 24, 1998

Honorable Susan Ness
Federal Communications Commission
1919 M Street, Room 832
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability Requirements in the Context of WT Docket No. 96-86 [Allocation of Public Safety Channels at 746-806 MHz]

Dear Commissioner Ness:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meeting was particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

On the enclosed page, we have summarized Dataradio's views on these two issues. I have also enclosed, for your reference, an article on interoperability requirements that appeared in the April 13, 1998 issue of *Wireless Week*.

Very truly yours,

Frederick J. Day

Frederick J. Day
Counsel for The Dataradio Group of Companies

Enclosures

cc: FCC Secretary

Introduction

The Dataradio Group of Companies urges the Federal Communications Commission to adopt rules in WT Docket No. 96-86 that will permit public safety users to employ data transmissions without restriction. Specifically, Dataradio recommends the following approach:

Apportionment of Channels Between Data and Voice

The Public Safety spectrum should be available equally for data as well as voice systems. Over the past decade, the size of police forces at the state and local levels has increased less than 5%. This trend will continue. With the number of police officers in the field remaining nearly constant, the frequency of voice transmissions will remain constant as well. The future direction of Public Safety organizations will focus on enhancing operational efficiency through the use of new technologies. Data communications will serve a critical role in this future direction. Legislation recently introduced in the U.S. Senate, Senate bill S. 2022, would provide Federal funding to upgrade State and local information systems used to digitize and communicate fingerprints, criminal history records and background checks. If police officers in the field have immediate access from their laptop computers to centralized computer files, they will be able to conduct background checks within seconds and retrieve mugshots and data files on suspects nearly instantaneously. One result of the inevitable increase in data uses will be to reduce the use of voice channels, which will create, in effect, additional voice resources. To permit Public Safety departments to implement innovative mobile data systems, they must have access to a sufficient number of mobile channels of up to 150 kilohertz in bandwidth. The rules developed in the Public Safety proceeding should not dictate how the available channels are to be divided between data and voice. This determination should be left to the marketplace. If the FCC does feel compelled to allocate discrete channels for data and voice, however, the only reasonable solution is to divide the available channels in equal proportions between data and voice.

Interoperability

System interoperability is essentially irrelevant in the world of data. With today's data systems, all radio transmissions will be capable of accessing the same or similar centralized computer files. The primary objective of Public Safety departments which rely on data systems is to provide their field officers with instantaneous access to the same data that is available at the department's headquarters. Interoperability, in the context of data systems, is an unobtainable objective. Currently, there are at least ten major companies producing software programs for use by Public Safety departments. It would be impossible to develop standard protocols that will accommodate all of the available Public Safety software. With Public Safety's ever-increasing reliance on data transmissions and innovative software applications rather than voice systems, the future direction of Public Safety networks will be predicated less on interoperability and more on instantaneous access to data files. In view of these undeniable trends, the Commission should resist the urge to mandate interoperability in the allocation at 746-806 MHz. As indicated in a recent study by the National Institute of Justice, increasing the level of interoperability is not a particularly high priority among Public Safety users. "Most agencies," the study found, "seek additional channels for voice and data communications before interoperable systems."

FCC Rethinking Size Of Radio Interoperability

By Caven Carlson

WASHINGTON—The FCC is rethinking a tentative conclusion reached last fall that a significant chunk of new public-safety spectrum should be designated for interoperable radio systems.

It turns out that interoperability—the word buzzing through Washington, D.C., last fall as public safety secured the largest chunk of spectrum ever granted to it—does not top law enforcement's list of wireless needs.

This finding, uncovered by a Department of Justice study released earlier this year, appears to contradict the FCC's stance on regulating the new 24-megahertz public-safety allocation. The commission tentatively decided last October that a "significant portion" of the new spectrum should be designated on a nationwide basis for interoperable communications. The initial conclusion was based on recommendations from the commission's Public Safety Wireless Advisory Committee, which identified the spectrum for reallocation.

The National Institute of Justice, DOJ's research arm, found that most agencies seek additional channels for voice and data communications before interoperable systems. Based on a 10-page questionnaire mailed to all agencies with more than 100 sworn officers and to a sample of smaller agencies, the study found that the number of law enforcement agencies using free text and database information on mobile data terminals and laptop computers likely will double during the next two years.

The study, "Wireless Communications and Interoperability Among State and Local Law Enforcement Agencies," supports the position of the Association of Public-Safety Communications Officials-International Inc. "A significant portion of the 24 megahertz for interoperability means that the agencies are not going to be able to use the new spectrum for daily operations," said Ali Shahrami, frequency coordinator for APCO. "Twenty-four megahertz is not even sufficient to meet the need for daily voice and data operations."

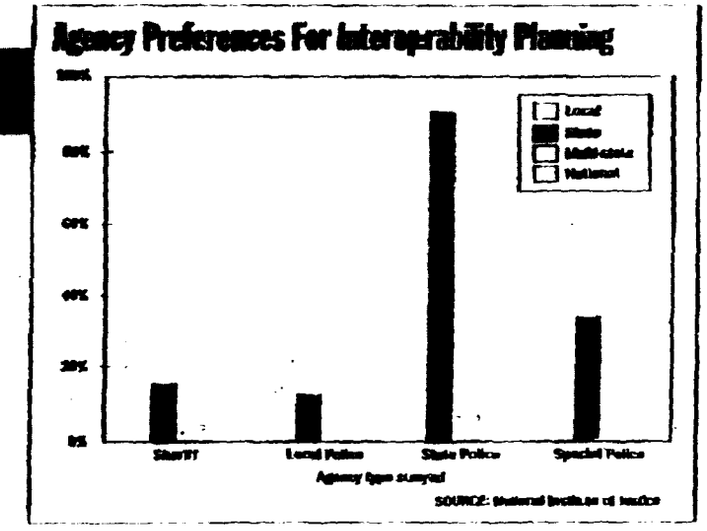
A coalition of public-safety groups agrees that no more than about 2 megahertz of the new allocation should be devoted exclusively to nationwide interoperable communications. "Interoperability is critical, there's no question that it needs to be addressed," said Robert Gurss, attorney for APCO. "Sometimes it is taken out of context, though."

The NIJ study also found "surprisingly little support" for state or national interoperability planning. One of the main reasons the agencies prefer local planning is that they interoperate primarily with other local organizations, according to the study. Additionally, these agencies have traditionally enjoyed a considerable level of autonomy.

"Police departments are historically possessive of their systems," said Thomas Tolman, NIJ research analyst. "The ideas of sharing and what is perceived as a threat to security are usually met with resistance."

However, the research results endorse the process of regional planning, which encourages local officials to participate in spectrum planning and management, Shahrami said. "You cannot come down and tell local people what to do," he said. "It has to be a partnership."

The NIJ suggested that regulators should be concerned about small agencies' understanding of spectrum management. "The general knowledge level among smaller agencies should be a concern for state and national policymakers, as should the resentment smaller agencies feel toward the influence exerted by large agencies and their perceived loss of control over their local budgeting," the report said.



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July 24, 1998

Honorable Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, Room 802
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability Requirements in the Context of WT Docket No. 96-86 [Allocation of Public Safety Channels at 746-806 MHz]

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Enclosures

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WASHINGTON—The FCC *is* rethinking a tentative conclusion reached last fall that a significant chunk of new public-safety spectrum should be designated for interoperable radio systems.

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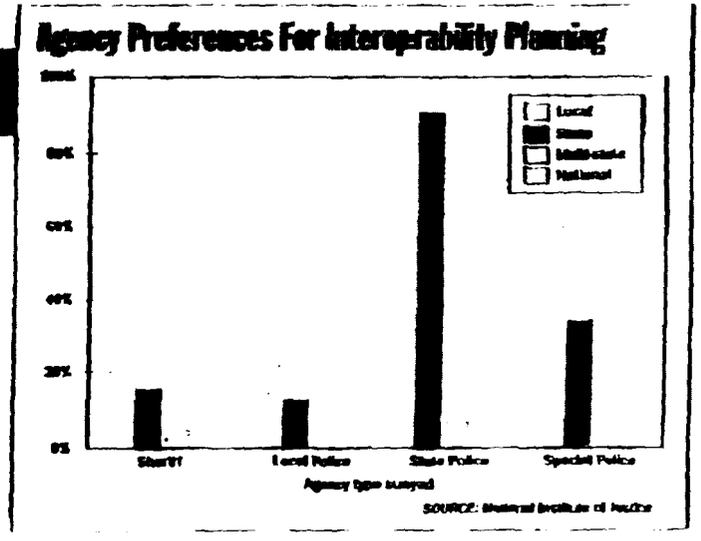

A coalition of public-safety groups agrees that no more than about 2 megahertz of the new allocation should be devoted exclusively to nationwide interoperable communications. "Interoperability is critical, there's no question that it needs to be addressed," said Robert Gurss, attorney for APCO. "Sometimes it is taken out of context, though."

The NIJ study also found "surprisingly *little* support" for state or national interoperability planning. One of the main reasons the agencies prefer local planning is that they interoperate primarily with other local organizations, according to the study. Additionally, these agencies have traditionally enjoyed a considerable level of autonomy.

"Police departments are historically possessive of their systems," said Thomas Tolman, NIJ research analyst. "The ideas of slicing and what is perceived as a treat to security are usually met with resistance."

However, the research results endorse the process of regional planning, which encourages local officials to participate in spectrum planning and management, Shahrami said. "You cannot come down and tell local people what to do," he said. "It has to be a partnership."

The NIJ suggested that regulators should be concerned about small agencies' understanding of spectrum management. "The general knowledge level among smaller agencies should be a concern for state and *national* policymakers, as should the resentment smaller agencies feel toward the influence exerted by large agencies and their perceived loss of control over their local budgeting," the report said.

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July 24, 1998

Peter Tenhula, Esq.
Legal Assistant to Commissioner Powell
Federal Communications Commission
1919 M Street, Room 844
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability Requirements in the Context of WT Docket No. 96-86 [Allocation of Public Safety Channels at 746-806 MHz]

Dear Mr. Tenhula:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meetings at the Commission were particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

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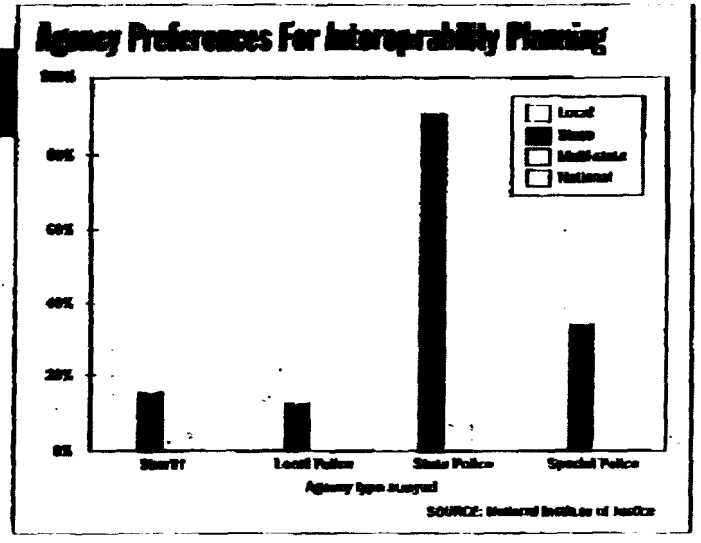

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Legal Advisor to Commissioner Susan Ness
Federal Communications Commission
1919 M Street, Room 832
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Dear Mr. Connors:

Recently, the Dataradio Group of Companies (Dataradio) had the opportunity to meet with Commissioner Ness to discuss issues of concern in the Public Safety proceeding.

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I wanted to provide you with a summary of Dataradio's views on these two issues. I have also enclosed, for your reference, an article on interoperability requirements that appeared in the April 13, 1998 issue of *Wireless Week*.

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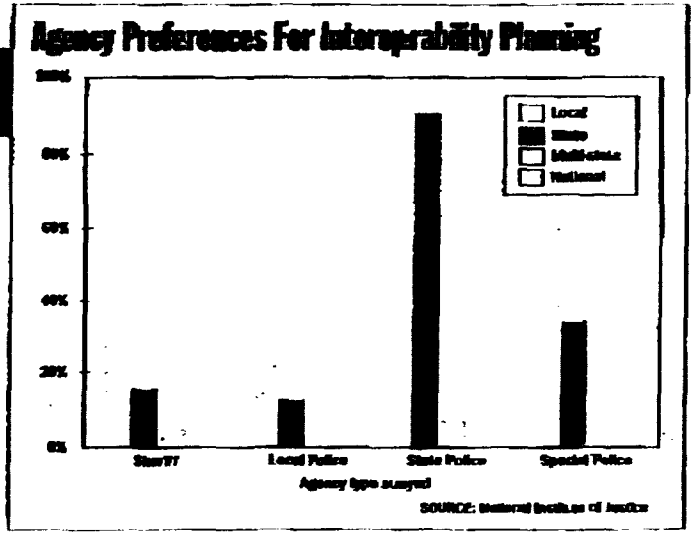

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FCC Rethinking Size Of Radio Interoperability

By Caren Carlson

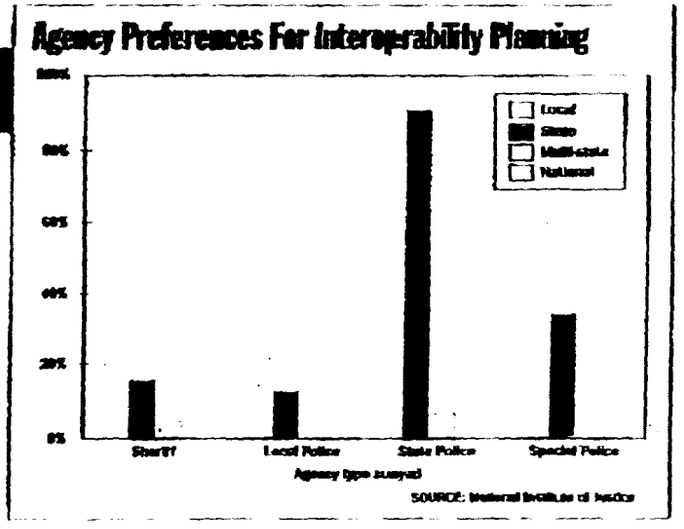
WASHINGTON—The FCC is rethinking a tentative conclusion reached last fall that a significant chunk of new public-safety spectrum should be designated for interoperable radio systems.

It turns out that interoperability—the word buzzing through Washington, D.C., last fall as public safety secured the largest chunk of spectrum ever granted to it—does not top law enforcement's list of wireless needs.

This finding, uncovered by a Department of Justice study released earlier this year, appears to contradict the FCC's stance on regulating the new 24-megahertz public-safety allocation. The commission tentatively decided last October that a "significant portion" of the new spectrum should be designated on a nationwide basis for interoperable communications. The initial conclusion was based on recommendations from the commission's Public Safety Wireless Advisory Committee, which identified the spectrum for reallocation.

The National Institute of Justice, DOJ's research arm, found that most agencies seek additional channels for voice and data communications before interoperable systems. Based on a 10-page questionnaire mailed to all agencies with more than 100 sworn officers and to a sample of smaller agencies, the study found that the number of law enforcement agencies using free text and database information on mobile data terminals and laptop computers likely will double during the next two years.

The study, "Wireless Communications and Interoperability Among State and Local Law Enforcement Agencies," supports the position of the Association of Public-Safety Communications Officials-International Inc. "A significant portion of the 24 megahertz for interoperability means that the agencies are not going to be able to use the new spectrum for daily operations," said Ali Shahrami, frequency coordinator for APCO. "Twenty-four megahertz is not even sufficient to meet the need for daily voice and data operations."



A coalition of public-safety groups agrees that no more than about 2 megahertz of the new allocation should be devoted exclusively to nationwide interoperable communications. "Interoperability is critical, there's no question that it needs to be addressed," said Robert Gurss, attorney for APCO. "Sometimes it is taken out of context, though."

The NIJ study also found "surprisingly little support" for state or national interoperability planning. One of the main reasons the agencies prefer local planning is that they interoperate primarily with other local organizations, according to the study. Additionally, these agencies have traditionally enjoyed a considerable level of autonomy.

"Police departments are historically possessive of their systems," said Thomas Tolman, NIJ research analyst. "The ideas of sharing and what is perceived as a threat to security are usually met with resistance."

However, the research results endorse the process of regional planning, which encourages local officials to participate in spectrum planning and management, Shahrami said. "You cannot come down and tell local people what to do," he said. "It has to be a partnership."

The NIJ suggested that regulators should be concerned about small agencies' understanding of spectrum management. "The general knowledge level among smaller agencies should be a concern for state and national policymakers, as should the resentment smaller agencies feel toward the influence exerted by large agencies and their perceived loss of control over their local budgeting," the report said.

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July 24, 1998

Karen Gulick, Esq.
Legal Assistant to Commissioner Tristani
Federal Communications Commission
1919 M Street, Room 826
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability Requirements in the Context of WT Docket No. 96-86 [Allocation of Public Safety Channels at 746-806 MHz]

Dear Ms. Gulick:

On behalf of the Dataradio Group of Companies (Dataradio), I want to thank you for taking the time to meet with us on July 7th regarding Dataradio's concerns in the Public Safety proceeding.

Our meetings at the Commission were particularly helpful in stimulating further thought on the two issues of primary concern to Dataradio: (1) the apportionment of channels between data and voice applications; and (2) the possible imposition of interoperability requirements.

On the enclosed page, we have summarized Dataradio's views on these two issues. I have also enclosed, for your reference, an article on interoperability requirements that appeared in the April 13, 1998 issue of *Wireless Week*.

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Counsel for The Dataradio Group of Companies

Enclosures

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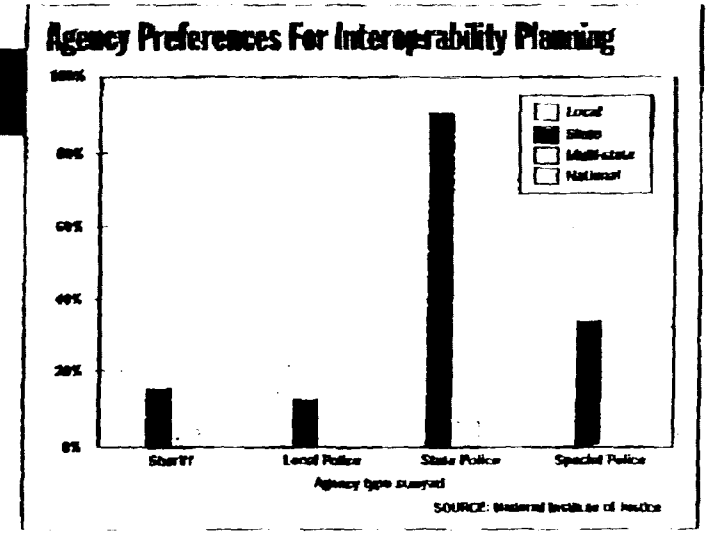

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July 24, 1998

Wendy Creeden, Esq.
Legal Advisor to Commissioner Susan Ness
Federal Communications Commission
1919 M Street, Room 832
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability Requirements in the Context of WT Docket No. 96-86 [Allocation of Public Safety Channels at 746-806 MHz]

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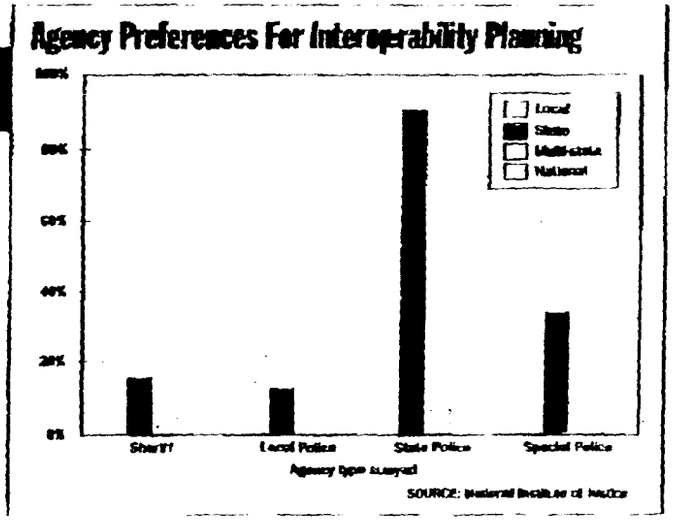

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July 24, 1998

Mr. John Clark, Deputy Chief
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
1919 M Street, N.W., Room 5002
Washington, D.C. 20554

Re: Apportionment of Channels and Interoperability Requirements in the Context of WT Docket No. 96-86 [Allocation of Public Safety Channels at 746-806 MHz]

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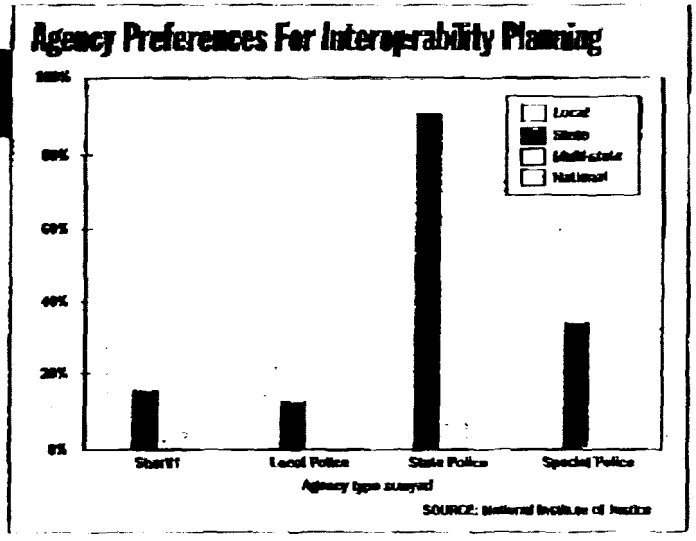

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